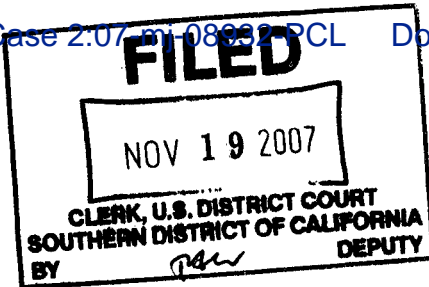


ANSA



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'07 MJ 8932

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jose Baudlio GASTELUM, Jr.,

Defendant.

Magistrate Case No.:

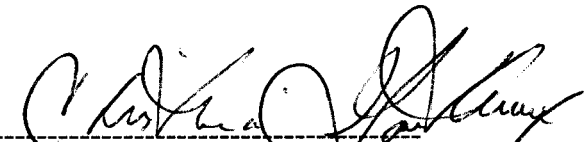
COMPLAINT FOR VIOLATION OF

21 U.S.C. § 952 and 960
Importation of a Controlled Substance
(Felony)

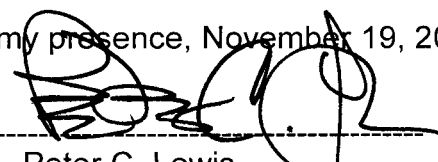
The undersigned complainant being duly sworn states:

That on or about November 17, 2007, within the Southern District of California, defendant Jose Baudlio GASTELUM, Jr., did knowingly and intentionally import approximately 28.82 kilograms (63.40 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.


Christina Gauthreaux, Special Agent
Immigration and Customs Enforcement

Sworn to before me and subscribed in my presence, November 19, 2007.


Peter C. Lewis
U.S. MAGISTRATE JUDGE

1 **UNITED STATES OF AMERICA**
2 **v.**
3 **Jose Baudlio GASTELUM, Jr.**

4 **STATEMENT OF FACTS**

5 This complaint is based on the personal observations, investigation, and
6 information furnished to Immigration and Customs Enforcement Special Agent Christina
7 Gauthreaux.

8 On November 17, 2007, at approximately 1815 hours, Jose GASTELUM, Jr.
9 entered the United States from the Republic of Mexico at the Calexico, CA, East Port of
10 Entry. GASTELUM was the driver of a red 1998 Dodge Avenger bearing license plate
11 (CA/US) 5XET901.

12 Primary Customs and Border Protection Officer (CBPO) Molina received a
13 negative Customs Declaration from GASTELUM. CBPO Martinez inquired about
14 GASTELUM's destination. GASTELUM stated he was going to Brawley, CA. CBPO
15 Molina asked where GASTELUM lived and he stated Westmoreland. CBPO Molina
16 proceeded to inspect the vehicle and noticed that the quarter panels and bumper
17 sounded solid when he tapped them. CBPO Molina decided to refer GASTELUM to the
18 secondary lot for further inspection.

19 In secondary, CBPO Rangel received a negative Customs Declaration from
20 GASTELUM. CBPO Rangel requested that GASTELUM open the hood and trunk and
21 step out of the vehicle. GASTELUM became very talkative during CBPO Rangel's
22 inspection of the vehicle. CBPO Rangel pressed down on the back seat area of the
23 vehicle and noticed it felt solid. CBPO Rangel continued and unlatched the back seat
24 from the floor and discovered a package in the rear seat well.

25 A thorough physical search of the vehicle revealed 22 packages concealed in the
26 back seat, both rear quarter panels, and both front seat backs. A presumptive field test
27 of one of the packages indicated the contents of these packages to be marijuana. The
28 total weight of the packages was approximately 28.82 kilograms (63.40 lbs).
29

1 GASTELUM was notified of his arrest and advised of his Miranda Rights, which
2 he acknowledged and waived. GASTELUM admitted knowledge of the marijuana and
3 stated he was to be paid \$2000.00 for the smuggling venture. GASTELUM was
4 processed and transported to Imperial County Jail.
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